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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,559	04/17/2001	Mark T. Corl	8763.138.00	5910
30827 7590 05/07/2009 MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006				
EXAMINER				
HUYNH, SON P				
ART UNIT		PAPER NUMBER		
2424				
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05/07/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/835,559

Applicant(s)

CORL, MARK T.

Examiner

SON P. HUYNH

Art Unit

2424

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C2)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/17/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 41-48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 41-46 and 48 are rejected under 35 U.S.C. 102(e) as being anticipated by Ebling et al. (US 7,150,029 B1).

Regarding claim 41, Ebling discloses digital television (DTV) receiver (figure 18, col. 3, lines 5-20) configured to receive a DTV signal containing program and event guide data (DTV signal containing program and program guide data – figures 17-18, col. 1, lines 51-67), which when received by the DTV receiver causes the DTV receiver to perform the following method comprising:

parsing an information type descriptor (e.g., descriptor for MGT, AGDT, multimedia object, etc. - see figures 6-16) including an information type identification field that contains an identification (ID) code of the specifying a data type (e.g., ID code of data type such as program guide map, multimedia object, rating, etc.) and a format type of graphic information (e.g., object format) to be displayed in an Electronic Program Guide (EPG) on a display screen, the graphic information being associated with a broadcast event or a source of the broadcast event (object information for network name, event title, etc.), the information type descriptor being directly received from the source of the broadcast event (descriptor of MGT, AGDT, multimedia object, etc. being directly received from the source of broadcast event such as broadcaster, satellite source, cable source, etc.) - see include, but are not limited to, figures 2-18, col. 4, line 35-col. 6, line 50, col. 8, line 41-col. 13, line 59);

parsing an extended information descriptor including display information provided by the source of the broadcast event (parsing extended information descriptor such as linkage descriptor, extended text table descriptor, or extended channel information descriptor, etc. including display information provided by the satellite source, cable source, etc. or broadcast event such as channel name, linkage information, etc. - see include, but are not limited to, figures 2-18, col. 3, line 35-col. 4, line 6, col. 4, lines 35-50, col. 8, line 32-col. 13, line 59); and

displaying the graphic information in the EPG according to the display information (see include, but not limited to, figures 2, 18).

Regarding claim 42, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the data type of the graphic information characterizes the graphic information as one of image, text, and video data (see include, but not limited to, col. 5, lines 31-36).

Regarding claim 43, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the format type of the graphic information characterizes the graphic information as one of GIF-formatted, JPEG-formatted, TIFF-formatted, and XBM-formatted image data (e.g., still image JPEG format – see include, but not limited to, col. 5, lines 31-36).

Regarding claim 44, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the format type of the graphic information characterizes the graphic information as one of plain ascii, HTML-formatted, and Xml-formatted text data (e.g., HTML format - see include, but not limited to, col. 5, lines 31-36).

Regarding claim 45, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the format type of the graphic information characterizes the graphic information as one of MPEG-formatted, Quicktime- formatted, and AVI-formatted video data (MPEG format - see include, but not limited to, col. 5, lines 31-36).

Regarding claim 46, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the display information comprises expected usage information describing an expected usage of the graphic information, the expected usage including a display option of the graphic information (e.g. user selection of a preview icon, or web page icon, or to display graphic information for video clip, web page, or still image, etc. - see include, but not limited to, figure 2, col. 4, lines 35-50, col. 12, line 28-col. 13, line 43).

Regarding claim 48, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling further disclose the display information comprises display time information specifying a desired display time of the graphic information in the EPG (see

include, but not limited to, figure 2, col. 4, lines 35-50, col. 8, lines 41-47, col. 12, line 28-col. 13, line 43.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ebling as applied to claim 41 above, and further in view of Nishina et al. (US 7,178,158 B2).

Regarding claim 47, Ebling discloses DTV receiver as discussed in the rejection of claim 41. Ebling does not explicitly disclose the display information comprises display location information specifying a desired display location of the graphic information in the EPG.

Nishina discloses display information comprises display location information specifying a desired display location of the graphic information in the EPG (e.g., layout information comprising display position, position of button, etc. - see include, but are not limited to, figures 5, 16, 34-38). Nishina further discloses information type descriptor comprising data type and a picture format No., movie format No., text format No., etc. (see figures 16-38). Therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify Ebling with the teaching as taught by Nishina in order to display graphic information in the EPG at desired/predetermined location.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gordon et al. (US 2003/0217360 A1) discloses system for generating, distributing and receiving an interactive user interface.

Fries (US 6,317,885 B1) discloses interactive entertainment and information system using television set top box.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

May 6, 2009